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EXAMINER

HENCE, ANDREA A

ART UNIT	PAPER NUMBER
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2854

DATE MAILED: 06/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/973,590

Applicant(s)

GOTTLING ET AL.

Examiner

Andrea A. Hence

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 10 April 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 April 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 7.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION- FINAL REJECTION**

**Claim Rejections - 35 USC § 103**

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1, 2, 5, 12, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vermeersch et al (6,030,750) in view of Petersen et al. (5,832,821) and in further view of Gelbart (6,186,068). Referring to claim 1, Vermeersch teaches an apparatus for producing printing plates (Figure 1) comprising a frame (See Column 9, line 29), a mounting arranged in said frame (See Column 9, line 29), a carrier cylinder (50) having a first and second end (See Figure 1), a motor for driving said carrier cylinder (Figure 2), and an image setting device (65) moveable along said carrier cylinder. Vermeersch does not teach a carrier cylinder being cantilever mountable at an image setting position on mounting via said first end of said carrier cylinder. Petersen et al teaches a carrier cylinder (cylinder shown to the left of (1) in Figure 1)

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being cantilever mountable (Column 1, lines 27-28) at an image setting position via said first end of carrier cylinder.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Vermeersch by using cantilever mounting at an image setting position as claimed such that the carrier tube can be mounted in an axially movable way as taught by Petersen.

Vermeersch and Petersen do not teach a frame arranged as a stand-alone structure external to a printing machine. Gelbart teaches a frame (2) arranged as a stand-alone structure. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Vermeersch such that it comprises a stand-alone frame to provide a support structure outside of a printing machine as taught by Gelbart.

Referring to claim 2, Vermeersch and Gelbart teach all that is claimed above, except they do not teach a mounting that includes a carrying tube fixed in a frame and a spindle mounted in said carrying tube, said spindle being connected to said carrier cylinder and said motor being arranged in said carrying tube having a drive connection to the spindle. Petersen teaches mounting (See Figure 1) that includes a carrying tube (6) fixed in a frame and a spindle (3) mounted in said carrying tube, said spindle being connected to said carrier cylinder (See Figure 1) and said motor (22) being arranged in said carrying tube having a drive connection to the spindle (See Figure 1). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Vermeersch by using a mounting with the elements as claimed to provide a play-free, compact drive for cylinders as taught by Petersen.

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Referring to claim 5, Vermeersch teaches the carrier cylinder (50) including a clamping device (See Column 9, lines 9-11) for clamping a printing plate (55) onto said carrier cylinder.

Referring to claim 12, Vermeersch teaches a crossmember (67) arranged in frame parallel to an axis of rotation of carrier cylinder (See Figure 1), said imaging device (65) being movable on crossmember.

Referring to claim 16, Vermeersch and Petersen teach all that is claimed in the above rejections except they do not teach that the mounting and image setting device are arranged on an upper surface of the frame. Gelbart teaches that the mounting and image setting device are arranged on an upper surface of the frame (See Figure 1). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the frame of Vermeersch such that the mounting and image setting device are arranged on an upper surface of the frame in order to provide a simple single exposure machine as taught by Gelbart.

Referring to claim 17, Vermeersch and Petersen teach all that is claimed in the above rejections except they do not teach that the upper surface of the frame is a planar surface. Gelbart teaches that the upper surface of the frame is a planar surface (See Figure 1). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the frame of Vermeersch such that the upper surface of the frame is a planar surface to provide a smooth surface to support the cylinders as taught by Gelbart.

4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable Vermeersch et al (6,030,750) in view of Petersen et al. (5,832,821) in view of Gelbart and in further view of Kersch et al (6,186,065). Vermeersch, Petersen, and Gelbart teach all that is claimed above, except Vermeersch does not teach a said motor fixed in said frame and said carrier includes a

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journal. Petersen teaches a said motor (22) fixed in said frame and said carrier includes a journal (See Column 3, line 4). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Vermeersch by including a motor fixed in the frame and a carrier including a journal as taught by Petersen.

Vermeersch and Petersen teach all that is claimed above, except they do not teach the apparatus further comprising an external flexible belt drive connecting said motor to the journal. Kersch teaches an external flexible belt drive (See Column 3, line 65 – Column 4, line 4)). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the drive as taught by Petersen with an external flexible belt drive as claimed to aid in driving the cylinder as taught by Kersch.

5. Claims 4 and 8 are rejected as being unpatentable over Vermeersch et al (6,030,750) in view of Petersen et al. (5,832,821) in view of Gelbart and in further view of Vrotacoe et al (5,687,647). Referring to claim 4, Vermeersch teaches a carrier cylinder (55) arranged for receiving a printing plate (55). Vermeersch does not teach the carrier cylinder having holes arranged in a cover for blowing compressed air against a printing plate inner wall. Vrotacoe teaches a plate cylinder 1 that includes a plurality of apertures 10 along the outer surface 9 of the cylinder 1. It would have been obvious to one having ordinary skill in the art at the time the invention was made to include holes for blowing air as claimed to aid in engaging and disengaging printing plate as taught by Vrotacoe.

Referring to claim 8, the above references teach all that is claimed in the above rejections except they do not teach an intermediate sleeve borne on said carrier cylinder which sleeve can be clamped. Gelbart teaches an intermediate sleeve (See intermediate layer on (3), Figure 3). It

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would have been obvious to one having ordinary skill in the art at the time the invention was made to include an intermediate sleeve such that the sleeve has a supporting layer as taught by Gelbart.

6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vermeersch et al (6,030,750) in view of Petersen et al. (5,832,821) in view of Gelbart (6,186,068) and in further view of Fantoni (5,188,027).

Referring to claim 7, the above references teach all that is claimed except they do not teach that the carrier cylinder is one of plural cylinders of different diameters which are mountable at an image setting position. Fantoni teaches that the cylinder (5) can vary in diameter. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the references by including cylinders with multiple diameters in order to provide a printing device that can print on any size cylinders as taught by Fantoni.

7. Claims 6 and 9 rejected under 35 U.S.C. 103(a) as being unpatentable over Vermeersch et al (6,030,750) in view of Petersen et al. (5,832,821) in view of Gelbart in view of Vrotacoe et al (5,687,647) and in further view of Fantoni (5,188,027).

Referring to claim 6, the above references teach all that is claimed except they do not teach that the carrier cylinder is one of plural cylinders of different diameters which are mountable at an image setting position. Fantoni teaches that the cylinder (5) can vary in diameter. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the references by including cylinders with multiple diameters in order to provide a printing device that can print on any size cylinders as taught by Fantoni.

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Referring to claim 9, the above references teach all that is claimed except they do not teach that the carrier cylinder is operative for selectively receiving printing plates of different diameters. Fantoni teaches that the cylinder is operative for selectively receiving printing plates of different diameters (See Column 2, lines 9-12). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the references such that the carrier cylinder can receive plates of different diameters in order to afford imaging on multiple size plates as taught by Fantoni.

8. Claims 10 and 11 are rejected as being unpatentable over Vermeersch et al (6,030,750) in view of Petersen in view of Gelbart and in further view of Fleischmann et al (6,070,528).

Referring to claim 10, Vermeersch teaches the carrier cylinder is operative for receiving one of an offset printing plate (55).

Referring to claim 11, Vermeersch teaches all that is claimed, as discussed in the above rejections except Vermeersch does not teach the surface of the carrier cylinder comprising a gravure printing plate. Fleischmann teaches use of a gravure printing plate (1). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Vermeersch by including a gravure printing plate as claimed to allow gravure printing such that printing elements are more deeply inlaid than the printing form surface as taught by Fleischmann.

9. Claims 13-15 are rejected as being unpatentable over Vermeersch et al (6,030,750) in view of Petersen in further view of Fleischmann et al (6,070,528). Referring to claim 13, Vermeersch teaches all that is claimed, as discussed in the above rejections, except Vermeersch



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does not teach an erasing device settable against carrier cylinder. Fleischmann teaches an erasing device settable against the carrier cylinder (See Figure 1D). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Vermeersch by including an erasing device as claimed to allow reuse of the gravure form as taught by Fleischmann.

Referring to claim 14, Vermeersch teaches all that is claimed, as discussed in the above rejections, except Vermeersch does not teach a fixing device settable against said carrier cylinder. Fleischmann teaches a fixing device settable against the carrier cylinder (Column 2, lines 43-46). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Vermeersch by including a fixing device as claimed to aid in the accuracy of the image position as taught by Fleischmann.

Referring to claim 15, Vermeersch teaches all that is claimed, as discussed in the above rejections, except Vermeersch does not teach a layer applicator device settable against carrier cylinder. Fleischmann teaches a layer applicator device settable against the carrier cylinder (See Figure 1A). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Vermeersch by including a layer applicator device as claimed to fill depressions evenly as taught by Fleischmann.

#### **Examiner Comments**

Claims 1-17 are rejected as explained above. Referring to claims 1, 6, and 7, the prior art as referenced above teaches that the carrier cylinder is mountable at an "image setting position" and the carrier cylinder can have various diameters.

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Examiner acknowledges receipt of the information disclosure statement and considered the IDS.

The objection to the drawings are withdrawn.

***Conclusion***

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrea Hence Evans whose telephone number is (703) 305-8427. The examiner can normally be reached on Monday- Friday; 8:30a-5:30p.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on (703) 305-6619. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7722 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Andrea Hence Evans

AHE  
June 25, 2003



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